

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
STATESVILLE DIVISION  
DOCKET NO. 5:09CR27-RLV**

UNITED STATES OF AMERICA                          )  
    )  
    )  
v.    )  
    )  
BERNARD VON NOTHAUS                            )  
    )  
\_\_\_\_\_ )

In Re: PETITION OF MATT NIMMO

**ORDER DISMISSING PETITION**

**WHEREAS**, on November 10, 2014, the Court entered a Memorandum and Order (Doc. 270) affirming the jury's verdicts of guilty to Counts One, Two, and Three in the Superseding Bill of Indictment.

**WHEREAS**, on February 25, 2015, the Court entered the Amended (Third) Preliminary Order of Forfeiture (Doc. 297) forfeiting certain coins, metals, and other property to the United States .

**WHEREAS**, Matt Nimmo (Doc. 340) has filed a Petition claiming to have purchased one (1) or two (2) silver Liberty Dollars just prior to the seizure on November 14, 2007.

**WHEREAS**, the United States has filed a Motion to Dismiss the Petition of Matt Nimmo and has argued the property he is seeking is illegal contraband.

**WHEREAS**, based on the evidence, the Court has ruled in this case that coins minted after the warning by the United States Mint to the Liberty Dollar Organization and the Defendant on September 14, 2006, were counterfeit, and therefore, contraband. *See* Memorandum and Order, at 7 (Doc. 270); Memorandum and Order (First Preliminary Order of Forfeiture) at 18 (Doc. 285).

**WHEREAS**, the Court has ruled in this case that “Items that are considered ‘contraband’ or ‘counterfeit’ under Section 492 are deemed illegal *per se* and automatically forfeited without having to satisfy the otherwise applicable forfeiture procedures.” Memorandum and Order (First Preliminary Order of Forfeiture) at 11, n. 10 (Doc. 285) (citing *Helton v. Hunt*, 330 F.3d 242, 247–48 (4th Cir. 2003)). The Court has further defined contraband in this case as “properties that no person or entity other than the United States may have a property right or interest in them.” Consent Order and Judgment of Forfeiture, Doc. 296.

**NOW, THEREFORE**, because the Petitioner’s claim for silver Liberty Dollars minted in November 2007 concerns coins that are contraband, Petitioner is not entitled to relief and the claim must be denied. Accordingly, pursuant to Fed. R. Crim. P. 32.2(c)(1)(A), Petitioner’s claim is dismissed.

**SO ORDERED.**

Signed: December 21, 2015



Richard L. Voorhees  
United States District Judge

